

Volume 2. Air Operator Certification and Fractional Ownership Application

CHAPTER 3. THE CERTIFICATION PROCESS-14 CFR PART 135

SECTION 6. SINGLE PILOT, SINGLE PILOT-IN-COMMAND, AND BASIC PART 135 OPERATORS

325. GENERAL. This section provides direction and guidance to inspectors for the certification of Title 14 of the Code of Federal Regulations (14 CFR) part 135 operators of limited size and scope who are not required to comply with all regulatory requirements for manuals, training programs, and management positions. These operators normally need less extensive manuals or training programs and will have fewer management positions than more complex 14 CFR part 135 operators. However, these operations will not be permitted a reduction in safety standards due to their limited size and scope. See volume 2, chapter 3, section 1, paragraph 169 for specific part 135 definitions.

327. CERTIFICATION PROCESS. Processing applications for certificates to conduct single pilot, single pilot-in-command (PIC), and basic part 135 operations will generally follow the same certification procedures as other applicants. Certification of these applicants may take less time since fewer documents, facilities, and other items require Federal Aviation Administration (FAA) evaluation. Applicable differences in the certification process for single pilot, single PIC, and basic part 135 operators are discussed in this chapter.

329. SPECIAL AIRWORTHINESS CONSIDERATIONS. Any single pilot, single PIC, or basic part 135 certificate holder may elect to maintain aircraft under § 135.411(a)(2). Maintenance programs under § 135.411(a)(2) require more extensive written procedures than those usually required for small operators by § 135.23. Compliance with § 135.411(a)(2) requires a more complex maintenance program and may require small operators to employ additional qualified management personnel. Therefore, regardless of the minimum standards for personnel and manuals established elsewhere in this section, Part D of the operations specifications authorizing aircraft maintenance under § 135.411(a)(2) shall not be issued to these types of operators unless the CHDO determines that the operator has appropriate personnel and manuals to provide adequate means of compliance with § 135.411(a)(2).

331. CERTIFICATION PROCESS DIFFERENCES FOR SINGLE PILOT AND SINGLE PIC

OPERATORS. This paragraph describes deletions, modifications, and additions to the certification process for single pilot and single PIC applicants.

A. Differences in the preapplication phase are as follows:

(1) In the “Preapplication Statement of Intent” (PASI) the applicant must state that the proposed operation will employ either one pilot or only one PIC. This statement should be entered in item 10 of the PASI. A single PIC applicant must attach to the PASI a brief statement identifying regulations from which deviations will be requested. This statement will include the number of second-in-commands (SIC) the applicant proposes to use.

(2) During the preapplication meeting, the content and scope of the initial compliance statement shall be established by the certification project manager (CPM). The CPM must ensure that an applicant clearly understands the level of detail expected in the initial and final compliance statements. The initial compliance statement may be abbreviated where appropriate. However, an initial compliance statement that does not clearly document an applicant's knowledge of regulatory requirements is unacceptable. The initial compliance statement (and later, the final compliance statement) provides the only written evidence of a single pilot or single PIC operator's understanding of 14 CFR requirements.

NOTE: Simple, conventional requirements for a single pilot operator using a four seat, single-engine airplane in day, visual flight rules (VFR)-only operations within the U.S. differ considerably from the requirements for a single pilot operation using a Cessna 441 turboprop airplane in day and night, all-weather, international operations. Neither operator in this example is required by part 135 to have manuals, training programs, or a full complement of management personnel. An examination of regulatory requirements that may apply to each operator's specific situation may reveal differences in the proposed types of operation, which would cause significant differences in the content and scope of the

initial and final compliance statements.

(3) Preapplication meetings should be attended by the applicant's primary operations official and the single pilot or single PIC (if different from the primary operations official). A person who is competent to discuss aircraft maintenance requirements for the applicant should also attend the meetings. An example of this attendance would be the Akers Realty Corporation which owns a Bell Jet Ranger helicopter and applies for a part 135 certificate. The individual with the authority to allow use of the helicopter is Mr. Bill Akers, vice president of sales. Mr. Terry Larson is the only pilot and is also sales manager for Akers. Maintenance is done by City-Copters Inc., a fixed base operator. In this situation it would be appropriate for Mr. Akers, Mr. Larson, and a representative from City Copters maintenance department to attend preapplication meetings.

B. Differences in the formal application phase are as follows:

(1) Formal application attachments for company general manuals and company training curriculums are not required to be submitted with the formal application.

(2) For single pilot and single PIC operators, attachments required to be submitted with the formal application are as follows:

- Schedule of Events
- Documents of purchase, contracts, leases and/or letter of intent
- Initial compliance statement
- Management qualification resumes

(3) The management qualification resumes are only required for the principal owner and company officers who are primarily responsible for operational control of the part 135 activities within the organization. This will provide assistance when determining compliance with § 119.39. Examples of management qualification resumes to be submitted for these applicants are described as follows: A plastic products manufacturer based in Wilmington, Delaware, owns a King Air and applies for a certificate to operate under part 135. The company employs 1,400 people and has only one pilot. The company president has an office in New York City, and the plane is kept in Wilmington, Delaware. The only person who can authorize use of the aircraft is the Wilmington plant manager. In this case, the president and the Wilmington plant manager are the persons for whom resumes are required. Another example is the pilot/owner applicant when the pilot/owner will be the single pilot or single PIC. In this situation, only the resume of the pilot/owner is required.

C. Differences in the document compliance phase are as

follows:

(1) The following items are not required and will not be evaluated unless the applicant chooses to develop and submit these items to the FAA:

- General operations manuals (GOM)
- General maintenance manuals (GMM), if appropriate
- Pilot training program curriculums

NOTE: Any material submitted by an applicant must be evaluated for acceptance or approval regardless of whether it is considered required material. If, as an example, a single PIC operator chooses to submit a complete GOM, that manual must be evaluated and must meet the same criteria for acceptance as a required manual. Unacceptable submissions that are not corrected require denial of the application. It is irrelevant whether the submitted material is specifically required by 14 CFR.

(2) Other documents and items required to be submitted during the document compliance phase will be evaluated, including the following:

- The operator's flight-locating procedures--required by § 135.79
- Procedures to provide hazardous material training--required by § 135.333

D. Differences in the demonstration and inspection phase are as follows:

(1) For single PIC operators, each SIC identified on the proposed certificate holder's operations specifications must pass the entire check required by § 135.293 while occupying the normal SIC duty station (usually the right pilot seat in airplanes).

(2) There are no differences in the demonstration phase for single pilot operators.

NOTE: A proposed operation may have only one person (this person may be the owner, pilot, and mechanic) who uses a single-engine airplane in day VFR operations. The aircraft, facilities, equipment, records, and pilot/owner competency must be evaluated by the same careful process used for a larger, more complex operator. Although the scope of the operation may require fewer demonstrations or inspections, every operator must meet the safety standards required by 14 CFR. Proving tests may not be required by volume 3, chapter 9.

E. Differences in the certification phase are as follows:

(1) Single pilot or single PIC operators will be issued the appropriate standard operations specifications paragraph which identifies by name one individual autho-

alized as the pilot or PIC. For single PIC operators, no more than three individuals shall be authorized as SICs.

(2) Normally, a single PIC operator will be issued an operations specifications paragraph authorizing complete deviations from §§ 135.21(a), 119.69(a), and 135.341(a).

333. CONCEPT OF A BASIC PART 135 OPERATOR.

A. Basic Part 135 Operators. Basic part 135 operators are limited in size and scope. This paragraph establishes conditions that an operator must meet to qualify as a basic part 135 operator and specifies the extent of authorized deviations from the manual, management personnel, and training program requirements of part 135. Basic part 135 operators are required to have management personnel, manuals, and training curriculums adapted to their smaller, less complex operations. These requirements are discussed in detail in paragraphs 341C, D, and E. To be classified as a basic part 135 operator each of the following conditions and limitations must be met:

(1) No more than five pilots, including SICs, are used in the operation.

(2) No more than five aircraft are used in the operation.

(3) No more than three different types of aircraft are used in the operation.

(4) No aircraft type certificated for more than nine passenger seats is used in the operation.

(5) No CAT II or CAT III operations are conducted.

(6) No operations are conducted outside the U.S., Canada, Mexico, and the Caribbean (which includes the Bahamas).

B. Check Airmen Approval for Single Pilot, Single PIC and Basic Part 135 Operators. Recent experience has indicated that many single pilot, single PIC, and basic part 135 operators who hold deviations granted by operations specifications paragraphs A037-A040, have demonstrated the management skills, organizational abilities, and good regulatory compliance record to warrant the appointment of check airmen. Check airmen appointments should be limited to only those operators who have demonstrated to the satisfaction of the assigned POI all of the above important characteristics.

(1) "Single pilot" operators may be granted approval to use a check airman who meets all the requirements of part 135 to serve as a check airman and is presently employed by another air carrier who is using the same type of aircraft. These operators shall be limited to one check airman approval at any one time.

(2) "Single PIC" operators may be granted approval to use a check airmen presently employed by another air

carrier using the same type of aircraft and having an individual appointed as a current check airman in that type aircraft who meets all the requirements of part 135 to serve as a check airman. At the discretion of the POI, these check airmen may be authorized to give to both the single PIC and/or any of the SIC's listed in paragraph A16 of the operations specifications the proficiency or competency checks required by part 135. These operators shall be limited to one check airman authorization at a time.

(3) "Basic Part 135 On-Demand Only" and "Basic Part 135 On-Demand and Commuter" air carriers may be granted approval to use check airmen after receiving approval for a check airmen curriculum segment in their approved training programs.

NOTE: When check airmen are being approved for multiple operators under this paragraph, inspectors should refer to volume 3, chapter 3, section 2, paragraph 699 of this handbook for additional guidance.

(4) No change to the operations specifications is necessary for a single pilot and single PIC operator. For a basic part 135 operator issued operations specifications paragraph A037, "Basic Part 135 Operator--Commuter and On-Demand" or A038, "Basic Part 135 Operator--On-Demand Only" the following revisions are required:

- Delete paragraph (b)(4) in its entirety.
- Amend the existing paragraph (a)(2)(a) to read as follows: "An approved basic indoctrination ground training curriculum segment that complies with § 135.329(a)(1) and an approved check airmen training curriculum segment that complies with § 135.339."

335. PROCEDURE FOR APPROVING DEVIATION FROM MANAGEMENT EXPERIENCE.

A. Initial Actions. When an operator requests approval for a deviation from the management experience requirements of § 119.71, the operator must specify the deviations requested and the justifications for them. The POI will review the certificate holder's request and justification as expeditiously as possible and then forward it with recommendations through appropriate CHDO channels to the manager of their regional flight standards division (RFSD). The regional flight standards division, will then forward the request onto the Manager of the Air Transportation Division, AFS-200, or the Manager of the Aircraft Maintenance Division, AFS-300, as appropriate.

B. Cover Letter Contents. The district office cover letter to the manager of the Flight Standards division should include at least the following information:

- That the information in the operator's request and the candidate's resume has been reviewed and verified by the POI

- The size and the scope of the intended operation (number and type of aircraft and crewmembers, areas of operations authorized, and types of operations authorized)
- Any significant justification or personal knowledge of the applicant
- A clear district office position
- The reasons for the finding if the applicant is deemed unsatisfactory

NOTE: If the POI finds that the candidate for a required management position is ineligible due to involvement in revocation proceedings as described in § 119.39, he or she should consult with the RFSD. If the RFSD determines that the management candidate is ineligible, the POI should return the application cover to the operator with an explanation of the reasons for denial.

C. Acceptable Experience. The POI should carefully evaluate deviation requests in regard to director of operations and chief pilot positions, considering the size, scope and future expansion plans of the operator. In reviewing deviation requests, the POI and the RFSD should determine if the proposed management candidate possesses the equivalent level of aeronautical management experience as a person who would meet the requirements of § 119.71. For example, experience as a corporate chief pilot, a manager of a corporate flight department, or an active duty military transport command pilot position may be satisfactory for this purpose; however, this experience should not be the only justification for the deviation request.

D. Unacceptable Experience. Flight instruction and other flight experience, such as crop dusting or external-load helicopter operations, should not be considered as meeting any equivalent level of management experience required by § 119.71.

E. Requests from Commuter Operators. Management qualification requirements are intended for all certificate holders other than those covered by § 119.69(a) and are specifically intended for commuter air carriers. The validity of any deviation request from commuter operators should be carefully considered since the purpose of the rule is to raise the level of safety through qualified, experienced management personnel. See section 6, paragraph 341 for further clarification.

F. Required Knowledge. The Manager of the Air Transportation Division, AFS-200, or the Manager of the Aircraft Maintenance Division, AFS-300, as appropriate, grants deviations for both operations and maintenance positions by determining if the applicant possesses the equivalent level of aeronautical experience as required by § 119.71. The person under consideration must be knowledgeable of the regulations, manuals, operations specifications, and other pertinent requirements.

G. Subsequent Action. When a decision concerning the request is reached, the Manager of the Air Transportation Division, AFS-200, or the Manager of the Aircraft Maintenance Division, AFS-300, as appropriate, issues an approval or denial of the request to the certificate holder and forwards a copy to the CHDO.

H. POI's Responsibilities. When a deviation is approved under § 119.71(f), the POI will ensure that the operator notes the deviation in the appropriate section of the certificate holder's company manual. In addition, the CHDO will ensure that a record of the deviation is in operations specifications paragraph A05.

337. DEVIATIONS FOR BASIC PART 135 OPERATORS. When an applicant meets the requirements for a basic part 135 operator, certain deviations from part 135 may be authorized. These deviations are as follows:

- A reduction in the content of the operator's manual (§ 135.21(a))
- Different management positions or different numbers of management positions (§ 119.69(a))
- Limited modification of training program requirements (§ 135.341(a))

339. DELEGATION OF AUTHORITY TO APPROVE DEVIATIONS. The manager of the flight standards district office (FSDO) assigned certification responsibilities is authorized to approve deviations from §§ 119.69(a), 135.21(a), and 135.341(a) for a basic part 135 operator applicant who proposes to conduct on-demand passenger or cargo carrying operations, or only scheduled cargo carrying operations. The RFSD manager is authorized to approve deviations from §§ 119.69(a), 135.21(a), and 135.341(a), for a basic part 135 operator applicant who proposes to conduct scheduled passenger (commuter) operations. The RFSD manager shall not delegate this authority.

NOTE: If a basic part 135 operator has been granted a deviation by the CHDO manager and subsequently proposes to operate scheduled passenger carrying operations, any deviation must be re-evaluated for continued approval by the RFSD.

341. LIMITATION OF AUTHORITY TO APPROVE DEVIATIONS.

A. District and regional offices have limited authority to approve deviations from §§ 119.69(a), 135.21(a), and 135.341(a). Deviations from these regulations may be granted only to operators who meet the criteria established in section 6, paragraph 333.

B. The authority to approve deviations from §§ 119.69(a), 135.21(a), and 135.341(a) for part 135 operators and applicants who do not meet the criteria to be classified as single pilot, single PIC, or basic part 135

operators, is retained by the Manager, Air Transportation Division, AFS-200 or when appropriate, the Manager, Aircraft Maintenance Division, AFS-300.

C. Deviation from the number of management positions required by § 119.69(a) and (3) will not be granted to any operator authorized to conduct scheduled passenger (commuter) operations. On-demand operators must have personnel in management positions who meet the qualifications for director of operations and the qualifications for director of maintenance. A person who meets both qualification criteria may serve in both positions for on-demand operators.

D. All basic part 135 operators shall have a manual that includes at least the information required by the following sections of part 135. Deviation from the manual content requirements of these sections of part 135 is not authorized.

- § 135.23(a)--Management Personnel
- § 135.23(b)--Weight and Balance
- § 135.23(c)--Information from operations specifications
- § 135.23(e)--Airworthiness Information
- § 135.23(f)--Recording Mechanical Irregularities
- § 135.23(g)--Recording Corrective Action for Mechanical Irregularities
- § 135.23(h)--Obtaining Service and Maintenance
- § 135.23(i)--Use of MELs (if applicable)
- § 135.23(j)--Fuel Handling
- § 135.23(k)--Passenger Briefing
- § 135.23(l)--Flight Locating (if applicable)
- § 135.23(o)--Approved Inspection Program (if applicable)

E. Deviation from training program requirements of § 135.341(a) for basic part 135 operators is limited. The only deviation that may be approved is authorization for a basic part 135 operator to have portions of its training conducted by another part 135 operator or a training organization that specializes in providing ground, simulator, and aircraft training.

(1) The training organization must provide training equivalent to that required by Subpart H of part 135. In all cases the basic part 135 operator must train its personnel using only programs acceptable to the FAA and specifically authorized by the terms of the deviation. If a basic part 135 operator wishes to change any item in a training program which may affect the quality of training, the authorization for deviation must be completely re-examined to avoid degrading operational standards.

(2) The basic part 135 operator must provide to the FAA a written plan detailing how training will be implemented. The plan must accompany the request for deviation.

A copy of the other part 135 operator's (or training organization's) curriculums must be attached to the plan. Before deviation is granted, the plan (and attached training curriculums) must be evaluated and accepted by the CPM or assigned POI, and the manager authorized to approve the deviation. Although these curriculums are not required to be "approved" in the same manner specified in volume 3, chapter 2, they must specify training that equals the quality required for "approved" curriculums.

(3) The written plan must include procedures for maintaining individual crewmember training records. The basic part 135 operator must maintain the records required by § 135.63. The plan must include provisions for certification of individual training records by the organization that conducts the training.

(4) A basic part 135 operator must always prepare and keep current curriculum segments for basic indoctrination training (§135.329(a)(1)) and crewmember emergency training (§135.331). These curriculum segments will be evaluated and approved in accordance with volume 3, chapter 2, of this handbook.

343. CERTIFICATION PROCESS DIFFERENCES FOR BASIC PART 135 OPERATORS. This paragraph describes deletions, modifications, and additions to the certification process described in volume 2, chapter 3, sections 1 through 5.

A. Differences in the preapplication phase, are as follows:

(1) The applicant must attach to the PASI a brief statement identifying regulations from which a deviation will be requested. The statement will present justifications for the proposed deviations and include descriptions of the size and scope of the proposed operation.

(2) During the preapplication meeting, the CPM will ensure that the applicant's representatives thoroughly understand that the requested deviations will not be allowed unless the justifications presented with the application merit granting the request. The operator should consider developing alternative plans for certification if any request for deviation is denied.

B. Differences in the formal application phase are as follows:

(1) An additional formal application attachment is required from a basic part 135 applicant. This attachment must be a letter identifying each regulation from which a deviation is requested. This letter is the formal request for the deviations and must provide the reason for each deviation. The letter must also identify all documents the applicant is submitting in support of the request for deviation.

(2) When a formal application is accepted from a basic part 135 operator, which requires approval of a deviation,

tion by the RFSD, a copy of the application (and the pertinent attachments) shall be forwarded to the regional office within 5 working days of its receipt at the district office. The copy shall be accompanied by the recommendations of the CPM and the district office manager concerning the request for deviation and any background information that will assist the RFSD in making its determination.

(3) The RFSD manager shall provide the district office with a written decision concerning the request for deviation within 10 working days of receiving the application. If permission to deviate is denied, the CPM shall notify the applicant. It may be necessary to reject the entire formal application. However, if the applicant has previously prepared an acceptable, alternative plan to proceed with certification (even though the request for deviation may be denied), and this plan was made part of the original formal application, denial of a request for deviation may not require rejection of the whole formal application.

(4) When a formal application (submitted by a basic part 135 operator) includes a request for deviation from the training requirements of § 135.341(a) involving a third party (for example, a training organization or another part 135 operator), a copy of the application and pertinent attachments shall be forwarded to the regional office within 5 working days. The copy will be accompanied by recommendations from the CPM and district office manager concerning the request for deviation. The RFSD manager shall review and, after coordination with the regional or district office responsible for the training organization or other part 135 operator, determine what action will be taken on the request. When a training organization is involved (other than a part 135 operator), the RFSD shall obtain

concurrence from AFS-200 or AFS-300 before authorizing the deviation. The RFSD shall notify the CPM and district office manager of the acceptability of the request for deviation.

(5) Until the applicant has satisfactorily completed the certification process, any grant of deviation must be temporary. The deviations will be made effective as of the date the certificate is issued.

(6) Each deviation must include provision for automatic invalidation of the deviation when the operator no longer meets the criteria for classification as a basic part 135 operator.

C. There are no differences in the document compliance phase.

D. There are no differences in the demonstration and inspection phase.

E. There is one difference in the certification phase. Each basic part 135 operator shall be issued an appropriate standard operations specifications paragraph authorizing limited deviation from §§ 119.69(a), 135.21(a), and 135.341(a).

NOTE: Inspectors should utilize figure 2.3.1.3 "Part 135 Certification Job Aid and Schedule of Events" and figure 2.3.2.4 "Part 135 Certification Job Aid for Cabin Safety" to complete the single pilot, single-pilot-in-command and basic part 135 operator certification process.

344. – 364. RESERVED.

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